IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4398 of 1997

Between:

1 Kotturu Nayarana S/o. Venkataiah
r/o. Radha Nagar
Proddutur Mandal Cuddapah district
2 J.Sriramulu S/o. Chinnappa
r/o. Kamanuru
Proddutur Mandal Cuddapah District

..... PETITIONERS

AND

1 The Secretary to Government Housing (RH) Department
Govt. of A.P., Secretariat, Hyderabad
2 The District Collector ,Cuddapah District, Cuddapah

3 The Chairman, District Development Review Committee,

Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of mandamus declaring that the action of the 1st Respondent in conferring the powers of selection of beneficiaries for the allotment of houses 50% by M.L.A. concerned and 50% by District Development Review Committee issued in Clause-12-of G.O.Ms.No.87 Housing (RH) Department Dt.24-10-1996 as illegal and arbitrary and consequently direct the 1st Respondent to formulae guidelines for selecting the beneficiaries for allotment of houses under Weaker Sections Housing Programme either by conducting Gram Sabha Or under Prajala Vaddaku Palana and pass such other order or orders as this Hon'ble court may deem fit and proper.

For the Petitioners: MR.D.SUDARSHAN REDDY, Advocate

For the Respondent No.1 : Advocate General
For the Respondent Nos. 2 & 3: G.P.FOR HOUSING

The Court made the following :

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ORAL ORER: (per Hon'ble The Chief Justice).

This writ petition was filed in public interest questioning the legality and validity of G.O.Ms.No.87 Housing (RH) Department, dated
24-10-1996. The said G.O conferred the powers of selection of beneficiaries for the allotment of houses to the extent of 50% by M.L.A. concerned and 50% by District Development Review Committee (in short 'DDRC'). The petitioners, in the public interest litigation, raised the question whether the Government had granted sanction for construction of 4 lakh houses under the Weaker Sections Housing Programme in the rural areas and the impugned G.O. lays down the distribution pattern of houses in various Assembly Constituencies at 50% by M.L.A concerned and 50% by DDRC. In so far as the quota of 50% given to M.L.As, challenge was on the ground that the M.L.As by nature of their office would tend to make selection mainly in favour of the members of the party or supporters thereof and even 50% quota reserved with the DDRC is bad inasmuch as the said Committee is headed by Minister and there is also every chance of selection motivated by political considerations.

Learned single Judge before whom the writ petition came up thought it proper to refer the writ petition to Division Bench. Initially, there was interim stay granted staying the operation of G.O.Ms.No.87, dated 24-10-1996, which was modified by the reference order dated 01-05-1998 that the allotments be made through an Officer or Officers duly authorised by the Government for the purpose, but the members of Legislative Assembly should not be associated with the process of selection of the beneficiaries till the writ petition is finally decided.

When this writ petition along with other connected writ petitions raising same questions came up for consideration, it was brought to our notice by the learned counsel for petitioners that only a few houses were constructed which have since been allotted and some of the houses stand allotted but in majority of the cases, construction of the houses is

yet to commence.

Learned counsel for the parties state that because of the new Government coming into power, fresh policy is likely to come in force as regards the manner of selection of the beneficiaries. For that reason, it may not be necessary for us to decide the question raised in the instant writ petition filed as public interest litigation. It is stated that in case allotments already made are not interfered with and direction is issued that remaining allotments will be made only as per policy to be framed by the State Government, the writ petition can be closed.

Considering the submissions made before us, we dispose of this writ petition with direction that the allotments so far made of the houses constructed as per the scheme will not be disturbed. The allotments will continue to remain in operation, but no further allotment will be made under the policy as notified through the impugned G.O.Ms.No.87 dated 24-10-1996. Fresh allotments will be made as per the policy to be formulated by the State Government. In the event of any person aggrieved by the policy to be formulated, he will be at liberty to challenge the same in accordance with law.

DEVINDER GUPTA, C.J.

Dt. 5.7.2004 G. ROHINI, J.,

KVRK

To

1 The Secretary to Government Housing (RH) Department
Govt. of A.P., Secretariat, Hyderabad
2 The District Collector ,Cuddapah District, Cuddapah

3 The Chairman, District Development Review Committee,

Cuddapah.

4. Two CCs to G.P. for Housing Board , High Court Buildings, Hyd. (OUT)

5. Two CCs to Advocate General, High Court Buildings, Hyd (OUT).

6. Two CD copies